



INTERIOR BOARD OF INDIAN APPEALS

In the Matter of the Holographic Will of Rosa Lee Lohah Jake

29 IBIA 93 (02/23/1996)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

IN THE MATTER OF THE
HOLOGRAPHIC WILL OF
ROSA LEE LOHAH JAKE

: Order Docketing Appeal and
: Remanding Case
:
: Docket No. IBIA 96-44
:
: February 23, 1996

By order of October 26, 1995, the Superintendent, Osage Agency, Bureau of Indian Affairs, approved the holographic will of Rosa Lee Lohah Jake (decedent). Jonathan H. Jake (appellant) filed a notice of appeal from that order pursuant to 25 CFR 17.14. Appellant's notice of appeal indicated that he was concerned primarily with the disposition of certain lands in which decedent held only a life estate.

The record in this matter has been forwarded to the Board by the Special Attorney, Office of the Field Solicitor, Tulsa, who has also forwarded the Superintendent's motion for remand. The Superintendent seeks remand in order to clarify his October 26, 1995, order to show that any property in which the decedent held a life estate is unaffected by her will.

Because it appears that the Superintendent's proposed clarification will resolve the issue raised by appellant, the Board finds it is appropriate to grant the Superintendent's motion.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed, and the matter is remanded to the Superintendent, Osage Agency, for issuance of an order of clarification.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge